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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NICHOLAS MALONE, CHRIS AYERS,
JAMES BACKUS, DAVID EATON,
STEVEN GRAVEL, and TOD WEITZEL,
for Themselves, as Private Attorneys
General, and/or On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

WESTERN DIGITAL CORPORATION,

Defendant.

JAMES RAAYMAKERS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WESTERN DIGITAL CORPORATION,

Defendant.

Case No.: 5:20-cv-03584-NC

**JOINT STIPULATION AND
ORDER CONSOLIDATING CASES,
PERMITTING FILING OF
CONSOLIDATED COMPLAINT, AND
SETTING BRIEFING SCHEDULE**

Case No.: 5:20-cv-04091-NC

1 Plaintiffs Nicholas Malone, Chris Ayers, James Backus, David Eaton, and Tod Weitzel
 2 (the “*Malone* Plaintiffs”), Plaintiff James Raaymakers, and Defendant Western Digital
 3 Corporation (“Defendant”) (collectively, “the parties”), by and through their respective counsel
 4 of record, hereby stipulate as follows:

5 WHEREAS, on May 29, 2019, Plaintiff Nicholas Malone filed a putative class action
 6 against Defendant Western Digital Corporation captioned *Malone v. Western Digital*
 7 *Corporation*, Case No. 5:20-cv-03584-NC (the “*Malone* Action”);

8 WHEREAS, on June 16, 2020, the *Malone* Plaintiffs filed an Amended Complaint
 9 against Defendant Western Digital Corporation in the *Malone* Action (ECF No. 7);

10 WHEREAS, on June 19, 2020, Plaintiff James Raaymakers filed a putative class action
 11 complaint against Defendant asserting substantially similar claims stemming from the same set
 12 of operative facts as the *Malone* Action, captioned *Raaymakers v. Western Digital Corporation*,
 13 Case No. 5:20-cv-04091-NC;

14 WHEREAS, on June 25, 2020, the *Malone* Plaintiffs and Defendant filed a Joint
 15 Administrative Motion to Consider Whether the *Malone* and *Raaymakers* Cases Should be
 16 Related (ECF No. 10);

17 WHEREAS, on June 26, the *Malone* Plaintiffs and Defendant filed a Joint Stipulation to
 18 Extend the Date for Defendant to Respond to Operative Complaint (ECF No. 12);

19 WHEREAS, on July 15, 2020, the Court granted the Joint Administrative Motion to
 20 Relate the *Malone* and *Raaymakers* Cases (ECF No. 16);

21 WHEREAS, on July 16, 2020, the *Raaymakers* case was reassigned to this Court (ECF
 22 No. 12 on the *Raaymakers* case docket);

23 WHEREAS, based on the factual and legal overlap between *Malone* and *Raaymakers*, the
 24 parties have agreed that the *Malone* and *Raaymakers* cases should be consolidated pursuant to
 25 Fed. R. Civ. P. 42(a);

26 WHEREAS, if the Court consolidates the two actions, the *Malone* Plaintiffs and Plaintiff
 27 James Raaymakers intend to file a consolidated class action complaint on or before August 10,
 28 2020;

1 WHEREAS, the parties have conferred and agree to extend the deadline for Defendant to
2 answer or otherwise respond to the consolidated class action complaint until September 9, 2020;

3 WHEREAS, the parties have conferred and agree that if Defendant moves to dismiss the
4 consolidated class action complaint, Plaintiffs' opposition thereto should come due on October 9,
5 2020;

6 WHEREAS, the parties have conferred and agree that if Defendant moves to dismiss the
7 consolidated class action complaint, Defendant's reply in support of its motion should come due
8 on October 23, 2020;

9 WHEREAS, Civil Local Rule 6-1(a) provides that parties may stipulate in writing,
10 without a Court order, to extend the time within which to answer or otherwise respond to a
11 complaint, provided the change will not alter the date of any event or any deadline already fixed
12 by Court order;

13 WHEREAS, the stipulated extensions will not impact any deadline or date previously
14 fixed by Court order;

15 NOW, THEREFORE, pursuant to Civil Local Rule 6-1(a), and with Defendant and
16 Plaintiffs reserving all rights and defenses, the parties respectfully AGREE and STIPULATE
17 that:

- 18 1. The Court should consolidate the *Malone* and *Raaymakers* actions.
 - 19 2. Plaintiffs shall file their consolidated complaint on or before August 10, 2020.
 - 20 3. Defendant shall respond to the consolidated complaint on or before September 9,
21 2020.
 - 22 4. If Defendant moves to dismiss, Plaintiffs' opposition thereto shall be filed on or
23 before October 9, 2020, and Defendant's reply in support of its motion to dismiss, if any, shall be
24 filed on or before October 23, 2020.
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ORDER

Pursuant to the above stipulation, and for good cause shown, the Court hereby ORDERS as follows:

1. The *Malone* and *Raaymakers* actions are hereby consolidated.
2. Plaintiffs shall file their consolidated complaint on or before August 10, 2020.
3. Defendant shall respond to the consolidated complaint on or before September 9, 2020.
4. If Defendant moves to dismiss, Plaintiffs' opposition thereto shall be filed on or before October 9, 2020, and Defendant's reply in support of its motion to dismiss, if any, shall be filed on or before October 23, 2020.

IT IS SO ORDERED.

Date: July 27, 2020

